

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GIFFORD W. MELING, a married
person,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,
a government entity,

Defendant.

NO: CV-10-3017-RMP

ORDER GRANTING UNITED
STATES OF AMERICA'S MOTION
TO SUBSTITUTE DEFENDANT

Before the Court is the United States of America's Motion to Substitute Defendant, ECF No. 13. Oral argument was had on this matter on June 1, 2011. The Court has reviewed the relevant pleadings and submissions in the file and is fully informed. The Plaintiff has not objected to the United States of America's Motion. In fact, while the caption lists the United States Postal Service, the body of the Complaint specifically alleges that "[t]his action is brought against the United States of America." ECF No. 1 at 2.

ORDER GRANTING UNITED STATES OF AMERICA'S MOTION TO
SUBSTITUTE DEFENDANT ~ 1

1 This action is a tort action filed under the Federal Tort Claims Act
2 (“FTCA”). Under the FTCA, government agencies may not be sued in their own
3 names. 28 U.S.C. § 2679(a). Suit must instead be brought against the United
4 States of America. *Kennedy v. United States Postal Serv.*, 145 F.3d 1077, 1078
5 (9th Cir. 1998).

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. The United States’ Motion to Substitute Defendant, **ECF No. 13**, is

8 **GRANTED.**

9 2. The United States of America shall be substituted as Defendant for the
10 United States Postal Service.

11 3. The parties are directed to amend the caption of the pleadings to reflect
12 the newly-named Defendant for any subsequently filed pleadings.

13 4. The action against the United States Postal Service is hereby dismissed.

14 This action shall be maintained against the United States of America.

15 The District Court Executive is hereby directed to enter this Order and to
16 provide copies to counsel.

17 **DATED** this 15 of July, 2011.

18 s/ Rosanna Malouf Peterson

19 ROSANNA MALOUF PETERSON
20 Chief United States District Court Judge